DIS REFUSAL TO ANSWED A MISDEMEANOR THE TRIAL OF WILLIAM H. OTTMAN

TESTIMONY OF M'CURDY ADMITTED

DECLINE OF THE POTOMAC FISHERIES

Miscellaneous Paragraphs of Interest ---

Weather probabilities, estimated at 1 a.m.-For the Middle Atlantic and South Atlantic States increasing cloudiness and rain, wiede abitting to northeart and southeast, increasing in force, falling barometer and a slight rise of tem-

Thermometric readings taken March 27, 1878, at the Signal Office: 7 a. m., 38°; 7:38 a. m., 40°; 12 m., 47°; 2 p. m., 53°; 4:35 p. m., 186°; 9 p. m., 45°; 11 p. m., 42°. Maximum, 50°; minimum, 60°. For court proceedings see third page.

Behrend's Patent Catarrh cigar sure cure. 4 Beiknap wishes now he had smoked the B-U. Dr. Newman's sermons can be had at bookstores for 10 cents. Pensioners, see notice of meeting to-morres

wening is our advertising columns. R. B. Ferguson, pharmacist, corner Second street and Pennsylvania avenue, Capitol Hill, Trusses, \$1; supporters and shoulder-braces at

Heller's drug store, National hotel, Pennsylvania All kinds of trunks made to order, repaired and

eovered at McMurray's, 805 Ponnsylvania avenue. Market Space. The grand jury yesterday presented indictments

against Robert Smith for larceny, and Chris. E. Bruce for forgery. Six per cent. paid on deposits, payable on de Special rates on time deposits. J. H.

Segular & Co., bankers. Mr. C. W. Watson, late secretary of the late board of andit, now under investigation, has re-tired to his Southern home.

si. D. Cooke, jr., & Co., F street, near the Tressury, do a general banking business and buy and sell District securities &c. Milliken's hotel corner Tenth and E streets northwest. First-class board for regular or tran-

sient guests. Easy of secess from all the street James Bellew sends the Chimney Corner for April 8, with which is an illustrated supplement centaining "Narratives of Travel in Tropical

Before transacting any kind of business whatever, always consult the convenient and com-plete Alphabetical Business Directory in the Dally National Republican. Yesterday Mr. Meius issued marriage licenses

to the following parties: Frank Zoll and Matilda Krebs; Lewis H. Hill and Elizabeth Simms, and Alfred Pinkit and Mary E. Norris. The "Centennial Club" gave an entertainment n the new market bouse hall, Georgetown, last night, which afforded great pleasure to the par-ticipants and reflected credit on the managers.

The St. George restaurant is fast growing is popular favor. The system of half er terr, just sur ura ed at the StiG orge, enables persons the most limited means to get the best living er a very small sum. About 11 o'clock last evening Office; O'Neill, of the First precinct, found a dead colored infant in a vacant lot on It bat went. Four and a half and Sixth street, suthwest. The body was taken to the station and the ceroner notified.

The agents of THE REPUBLICAN request subscribers to keep their front doors closed until the carriers have delivered their papers. This will serevent the paper thieves from stealing the paper before the subscriber has a chance to get it. : Yesterday morning as Mr. R. C. Bromley, a messenger for the Senate Judiciary Committee was engaged in placing books in a large new book case in the committee-room, it fell forward upon him, severely if not seriously injuring bim in the region of the spins. He was at once coa-vered to bis home, No. 107 East Cepitol street, and a physician summoned.

About 12 o'clock last night Officer Breen disevered are in the commission warehouse of R. A. Gouldin, on Louisiana avenue, between Tenth and Eleventh street. The fire originated in a splitteer, and spread to some hay in the vicinity. The officer, with the assistance of others, extin-guished the fire without turning in an alarm, and before any damage had been done.

About 8 s'clock last Sunday night a white lady named Mrs. Nally, residing with her sister, Mrs. Waters, at No. 1920 Fourteenth street northwest, was attacked on her way to church at the corner of Fourteenth and I streets, by a man who twice demanded her watch, with a pistol pointed at her head. She screamed "murder" and "police," which caused him to make hasty tracks. The would be-robber was either a white orvery light-colored man, smooth face, about fire feet six inches high, and were dark clothing.

Col. Form y at Lincoln Hall-

Col. John W. Forney, in response to an invita-tion from Hon. Thol. W. Ferry, Speaker Kerr and the citizens of the District, has promised to deliver his lecture on his experiences abroad in connection with the great International Exhibi-tion, at any time after the 31st iest, in aid of the fond for the creetion of a District building at the

The Brawer Slarks Case-

The Baltimore Asserticen of yesterday says: The case of Henry N. and John W. Brower, brothers, of Georgetown, D. C., charged with shooting with intent to kill Col. J. Lyle Charge. will come up for trial in the Criminal Court to day. It is understood that the fact of the shoot easy. It is unserstood that the fact of the smooting, which occurred at the St. Clair hotel in this city, will be admitted by the defense, but it will be pleaded in justification that Col. Clarke had previously scauced the sister of the Brower brothers, and that its led to the act. The trial will no could attract a great deal of attention, the parties on both sides being well known. Missing which were will in all probability be one of the will be seen at the course of the size of t Brewer will in all probability be one of the wit-nesses for the defense.

" Peculiar People "

By appoundement in another column it will be seen that John B. Gough will deliver his cele-brated lecture at Lincoln hall, Tuesday evening. April 4, entitled "Peculiar People." It is now April 4, entitled "Peculiar People." It is now some five years since Mr. Gough delivered this, his most interesting lecture, in Washington. His dramatic powers are fully brought out in his inimitable style of address in "Peculiar People." If you want to laugh, hear this lecture: if you want to cry, hear this lecture; if you want to cry, hear this lecture; if you want to see depicted in their true colors the peculiarities and follies of the day, hear "Peculiar People." Reserved seats, without extra charge, may be secured at E. M. Whitaker's, (successor to Warron Choate & Co., bul Pennsylvania avenue. Bon't wait until the best seats are taken.

Charity and the Police. In response to the suggestion of Major A. C. Richards, superintendent of the Metropolitan police force, the lieutenants of the different precincts met at police headquarters yesterday morning, to consult and devise some means by which they could be instrumental in relieving the poor of the city. A general expression of ideas soor of the car. A general expression of ideas took place and several plans of action recommended. One for the donating of a day's pay and another for opening and circulating a subscription list met with the most favor. It was finally decided to submit these two to the privates by the lieutenants in their respective precincts and secure their ideas on the subject. The efficers will report the decision to the Major today. Whatever course is adopted it has been day. Whatever course is adopted, it has been fully agreed upon that the funds raised shall be expended under the immediate supervision of the

DISTRICT NOTES.

The Injuries to Lampposts, Fences, &: The District Commissioners have addressed a communication to Majer Richards requesting that officer to give the police force instruction to ascertain the names and residences of person responsible for injuries to lampposts, fences, &c., by ungovernable teams, that proceedings may be taken to recover costs of damages so caused.

REAL ESTATE. The District Commissioners have issued an order that the District treasurer be charged with the care and safe-keeping of all deeds and conveyances, of every name and nature, of property belonging to the District of Columbia; and to his end he is directed to at ence collect them, prepare schedules in duplicate—one copy to be retained by him, the other to be siled in the office of the Commissioners—after which he will deposit them in the Treasury of the United States.

The Estate of Robecca B. Afflick. Yesterday Judge Wylle delivered a lengthy and carefully-prepared opinion in this case as to the respective rights of the maternal uncle, Wm. P. White, and the paternal grandfather, Davis Afflick, to administer on the estate of the above pamed infant, deciding that the latter was enti-tled, as next of kin, both by the laws of Tennessee, where the domicile of the infant is claimed and by the old law of Maryland, which follows the civil rather than the canonical law in computing degrees of kin. Many pice points of law were involved in this decision, all of which were carefully pointed out in the opinion rendered, incarefully pointed out in the opinion rendered, including the power of a guardian to change the demicile of an infant, the proper place for the appointment of the guardian, and the difference of the law of distribution in the State of Tennes see, where this infant was born, and the District of Columbia and the right of a guardian to change the nature of such distribution. The Court decided that if a guardian could make such a change a person not a guardian voidently could not, and was of the opinion that the previous action of the court in appointing a guardian here, when its demicile and estate were both in Memphis, Tsan., was erroneous. It will doubtless be remembered that this case was before the court some two years since on the matter of guardianhip, the right of the guardian here being then contested, but his appointment was sustained. The amount of property involved is about eighteen thousand dollars, which will be almost enhirely controlled by the question of domicile. Walter y controlled by the question of domicile. Walter J. Cox apparent for W. P. White, and Ro. Let S. Cox apparent for W. P. White, and Ro. Let S. Cox apparent for W. P. White, and Ro. Let S. Cox apparent for the court fixed the bond at \$20,000.

WILLIAM H. STIMAR.

His Trisl in the Criminal Court. The trial of William H. Ottman, indicted for the larceny of \$47,095.66 from the United States Treasury in June last, receiving stolen property knowing it to have been stolen, and receiving embessled money knowing it to have been om bersied, was resumed in the Criminal Court

Judge Olin, Jesterday morning.

Judge Olin delivered his decis'on on the point in relation to admitting the con ession made to the witness McCurdy by Halleck, allowing the receiving of the evidence so far as competent to prove that Halleck stole the money, but not to prove that Utiman received it knowing is to be

prove that Ottman received it knowing is to be stolen.

Mr. McCurdy, recalled: About six months after the larceny, while the witness was at the july wisting Haileek, he asked the accused if he had anything to do with the transaction, and he replied that he had. Witness asked about Gates, and Halleek said that his tongue was tied be youd his confession published in the papers. He said that it was false that he charged witness with committing the larceny. Witness said such stories were circulated. Halleek replied that they were untrue, as he never accused witness of it. Witness had never handled the package. Cross-examined: Resides at Lurel, Md.; is a married man; was originally from Pennylvania; nobedy but Halleek had CHARGED HIM WITH STEALING THE NOMEY:

CEARGED HIM WITH STEALING THE MONEY; he was assistant to the currency teller; his position in the Treasury was near that of Halleck. Witness then gave an account of his movements on the first and second days of June; witness left the building at 11:30 (the day the money was stoich) to go to Baitimore; was engaged six or seven days there; may have had his hair cut in Baitimore; did not exhibit a \$500 bill in a barber shop there; first heard of the robbery while in Baitimore; went to the jail to ask Halleck about the reports that he (witness) was concerned in the robbery; Halleck told witness that he (H.) was guilty of the robbery; witness did not know a man named Charles Gates, although he told Halleck that he know him; witness had never been sent to jail by the detectives here to obtain a confession from Halleck; witness had frequently put up packages to send away; some of them had been found to be short; witness had not been discharged from the Department for this; witness has not had a \$500 bill in his possession since the lat of June, that he knew of.

Herry O. Noyes sworn, and testified as to the confession of Halleck, which has been previously published.

After the Recess. CHARGED HIM WITH STRALING THE MONEY!

After the Recess.

The court reassembled pursuant to adjournment. H. F. Taylor, sworn-Was an employee of the Adams Express Company at the Treasury Dopartment in June last; was in the room when the money packages came down on that day: did not go near the elevator or touch the packages while on it. Defense objected to the pastion and answer.

and noted an exception.

E. E. Calkins, sworn—Resides at Saratogs E. C. Calkins, sworn-Resides at Saratoga Springs, New York: is a teller at the Commercial Bank in that place; sold on the leth of July a draft to Mr. Brown; knew him since, and saw him in this city in his own case at a preliminary examination; the 'rait was made payable to the order of W. H. Ottman: (draft produced and recognized:) when witness soil the draft, he could not recollect the kind of money received; on the leth of July sold another draft to the same person for \$2,500, payable to Wm. H. Ottman; could not recollect the kind of money received; met Brown in the billiard room of the Grand Central botel before he sold him the first draft; had no difficulty in recognizing him. ifficulty in recognizing him.
This evidence was objected to by the defense, and exceptions noted.

The drafts were offered in evidence, and objected to by the defense.

THE COURT OVERSULED ALL OBJECTIONS. M. H. Lowe sworn: Resides at Worcester, Mass.; is teller of the Mechanics' National bank at that place. (Draft shown and recognized.) Witness sold it to a stranger on the 18th of July between shold it to a stranger do the into it of Jary between shold it a.m.; received in payment for it \$750, one \$500 bill and the other in legal-tender notes; did not know the purchaser at that time; know him now. It was Mr. Brown. Cross-examined: The \$500 bill was a Treasury note, legal tender; did not notice the series or number.

note, regain tender; did not hotice the series of number.

Redirect: Did not know where the stranger was stopping at the time he purchased the draft. It came back in the regular owner of business to the back.

John Cooper sworn: Lived in this city since 1860; know Halleck since 1860. He told witness that when name from house one affoliable wars. 1503; knew Halleck since 1801. He told witness that when away from home on a frolic he went by the name of Unriey Gates.

Cross examined: Halleck boarded with witness in the same house; had the conversation with Halleck in his bed room at Mrs. Scott's, 310 Pennsylvania avenue; had a slight difficulty with him once. It was previous to the robsery.

Detective Grorge W. McEitrezh, sworn: Is a detective officer of the District. Knew Henjamin B. Halleck: arrested him at the Globe Insurance office in Broadway, New York. Detective McDevitt accompanied witness at the time; took the 3 o'cleck train at Jercey City for Washington. (Halleck's memorandum book shown.) Witness recognized beek; first aswit while in the cars in Mr. Halleck's possession; he was looking over it; had no conversation after the arrival here, about

had conversation after the arrival here, about had conversation after the arrival here, about 11:00 o'clork Saturday night, on the the of August, at the Central guard house. Detective Surgent questioned Halleck about the figures, and hesaid that they were in relation to some property he was figuring up for his mother. Witness asked how he made the calculation in the same figures as the Treasury robbery amounted to. Halleck replied that the book would convict him.

The defense objected to all this testimony. S. F. Jones, sworn. Was employed in June last in the Adams express office at the Treasury Department. [Testimony corroborated that of the other clerks in the same room.]

Charles H. Encs, sworn. Witness testified that Charles H. Enes, sworn. Witness testified that he was employed as clerk in the express office on the day the package was missel; saw theelevator come down; saw no one touch the packages. Witness did not take the stolen package.

Detective McDevitt, sworn. Witness testified that he was with McEifresh when he arrested that he was with McEifresh when he arrested Halleck at the Globe Insurance office, in New York. The prisoner was taken to their hotel, when they all took lunch, and then took the train for Washington. In Jersey City Halleck asked to go into the water-closet, and witness went with him. Here Halleck took out his pocketbook and showed within a check and two \$20 bills; also, some picers of silver. On the train Halleck pulled from his pocket the memoranium book which witness took from him. He at first declined to let him have it. Witness took it and afterwards returned it to him. Then saw him have the book in his hand, and he appeared to by EEASING SONITHING IN IT WITH A PENCIL; Charles H. Encs, sworn. Witness testined that

PRASING SOMETHING IN IT WITH A PENCIL: did not see the book again until they arrived at the Central guard-house, when witness took it from him. Witness here related the conversation from him. Witcoss here related the conversation between them in relation to entries is the book, as heretefore published. Witcoss read to the jury the entries, it all of which testimony counsel for defendant took exceptions, which were overabled by the Court.) Witness also related to the jury the explanations Hallock made in reference to the figures in the book. Counsel for the prosecution here offered the book in evidence, to which exception was taken and overruled by the Court.

wanted to make a statement to witness. He did so subsequently.
Without concluding the testimeny of Major Richards, the court adjourned until 10 o'clock this morning.

Washington City Sible Society. The board of managers of the Washington City Bible Society held its monthly meeting last even-ing, the president (Rev. A. W. Pitzer) in the

chair, who read a part of the 17th chapter of the gospel of John and offered prayer.

Mr. A. S. Prutt, chairman of the committee on the anniversary, offered a resolution recommending that the anniversary be held in Lincoln hall on the first Sabbath in May, and that the Rev. Thomas L. Poulson be invited to make the ad-

dress; which was adopted.

dress; which was adopted.

Mr. Ballantyne reported that the Bibles granted at the last meeting to the several engine-houses and police stations had been prepared, and the agent, Rev. Mr. Kramer, was directed to present them. The engine-house and police station in Georgetown were included in the grant. A committee, consisting of Messrs. Ballantyne, Ball and Olcott, was appointed to nominate officers for the ensuing year, to report to the annual meeting in April.

The treasurer reported the following receipts during the month: From New York-avenue Presbyterian church, \$70; Metropolitan Methodist church, \$90; Methodist Protestant church, Ninth street, \$7; Mrs. A. J. Brown, \$2; total, \$134.

The treasurer requested those churches who desired to be included in the annual report to forward their contributions before the tast of April.

A grant of two Bibles and fifteen Testaments was made to the Ubristian mission on Seventh street.

The agent presented his report, as follows: Has The agent presented his report, as follows: Has visited 575 families, numbering 2,578 persons; found 25 families without the Striptures, supplied 5 Bibles and 27 Testamonis and distributed 4,600 pages of tracts; field of labor, the southwest portion of the city, included between Pennsylvania aveaue, First and Third streets west and the Potomac.

Collections from Mount Zion 37 F. Abrash 45.

Collections from Mount Zion M. E. church, \$5; Uniontown M. E. church, \$2,50; Asbury M. E. church, \$3,50; Ebenezer M. E. church, \$1,50; total, \$12,50.

Fishing on the Potom: c. The fishermen on the Potomac have begun op-erations and hepe to meet with better success than they experienced last season, although the opening has been anything but auspicious of rich results. The following are the landings teing worked this spring :

ON THE MARYLAND SHORE. OF THE NARVLAND SHORE.

Maryland Point, Price Gray; Budd's Ferry and Stump Neck, Cunningham & Uo.; Chapman's Point, Thomas Chapman; Monkey Point, — Barron; Greenway, — Elliott; Bryant's Point, Courad Faunce; Moxley's, James Skidmors; Tent.Lending, Capt. J. Guy; Sandy Bar, Jerry Raub; Geesboro, Alfred Bundine.

ON THE VIRGINIA SHORE. ON THE VIRGINIA SHORE.

Fowkes, Jos. Caywood; Windmill Point and Tumps, Jacob Faunce; Gums, Jerry Raub: Arrendale, McLain Smith; Richland, — Watter; Dipple, Faunce Bros.: Freestone Point, Jacob Faunce; Plumb Tree Gut, Horseman & Travers; Sandy Point, Lander Henderson; High Point and Stony Point, Wm. Gibson; White House, Wm. Hatton; Fair Landing, Wm. Knight; Jackson City, Henry Knight; Dasy Gut, Wm. Knight; Eagle's Nest, Jacob Faunce; White Point, John Hickock; Mount Moriah, Wm Hunter.

Auction Sale To-day. By B. H. Warner:
Atto-clock, a two-story and basement dwelling on the west side of Tweatleth street, (No. 1738,) between M and N streets horthwest. THE ECWEN CONVENCION.

Tedio se Seseion- '. J. Bowen and A. M. Greet for Delegates. The convention to a minate two delegates from the District of Columbia to the National Rangh lean convention at Cincinnati met votter day at Lincoln hall, and continued in session nearly two we hours. Mr. Jerome A. Johnson, chairman of the Con-

tral Committee, called the convention to order, and Dr. J. L. N. Bowen was elected temporary chairman. The usual committee on credenti was appointed, and the delegates that had been elected in the several districts were admitted there being a contest only in one district—th

Second.

After a few bours spent in permanently organising, Dr. J. L. N. Bowen was elected permanent chairman, and Mesers. George Holmes, Fred. Douglass, jr., and John H. Cook were elected permanent secretaries.

About seven o'clock the convention proceeded to the election of delegates to the Chammati convention. Mesers. Sayles J. Bowen, S. S. Smoot, E. P. Brocks, A. M. Green, Jerome A. Johnson, Dr. C. C. Purvis and others were put in nomination. Dr. Purvis declined.

Mr. Jerome A. Johnson would have read the following letter if he had been allowed to do so, Washington, Dr. C. March 27, 1876.

Mr. Jerome A. Johnson would have read the foliowing letter if he had been allowed to do so.

[Washinseron, D. C., March 27, 1876.]

Jerome A. Johnson, etc.:

Sir: Helleving that the convention to be held to day for the purpose of electing a delegate to the national convention at Cincinnati harnot been so elected as to secure a complete and satisfactory representation of the Republican voters of the District, I sak you not to present my name as a cancidate to be a delegate to Cincinnati. The harmony of the party imperatively requires that in such proceedings as those contemplated by your convention to day all the primary meetings and movements shall have been of an usquestionable character, and I believe that some of the delegates who will be admitted to your convention have been elected through influences inimised to the Republican party. In other words, I believe that Bemocratic agencies have been at work successfully to obtain control of a certain number of the delegates who will be afmitted as members of your convention. I also sak that in the event my name is presented as a candidate by any one else you withdraw it from nomination. Respectfully yours,

After great confusion the vote, which was

nomination. Respectfully yours,

After great confusion the vote, which was
called by districts, was announced, as follows:
Whole number of votes cas. 84, (a great many
having declined to vote,) of which number Sayles
J. Bowen received 74. A. M. Green 75, J. A.
Johnson 4, scattering 5. Messrs. Collins Crusor
and Andrew Gleacen were elected alternates by
acclamation.
A committee was appointed to wait upon Mr.
Bowen and inform him of his election. Meanwhile Mr. Green and Mr. Lewis Olark, of Ohio,
addressed the convention. Mr. Howen sent a
letter thanking the convention for the honor conferred upon him.

ferred upon him.

After the adoption of the platform adopted at the mass meeting of Republicans recently held at Lyceum hall, the convention adjourned. HALLETT KILBOURN.

Presentment for a Misdemeanor by the Grand The grand jury yesterday afternoon came into court, and, among other indictments, made : lengthy presentment against Mr. Hallet Kil bourn. It covers nearly thirty pages of legal can paper, and contains five counts, which are sup-posed to cover completely the case of the accused. The principal features are as follows :

pered to cover completely the case of the accused. The principal features are as follows:

In the Supreme Court of the District of Columbia, Holding a Special Term. March, 1575—District of Columbia, Special Term. March, 1575—District of Columbia, County of Washington, so:

The grand jurors of the United States of America, in and for the county and District aforesaid, on their eath, present that Hallet Kilbourn, late of the county and District aforesaid, on the 4th of March, A. D. 1576, at the county and District aforesaid, was duly and lawfully summoned as a witness by the authority of the House of Representatives of the Congress of the United States, the said House then being in session, to give testimony and to produce certain papers upon a matter then under inquiry before a committee of the said committee of the said House, of which the Hon. John M. Glover was chairman, at their room in the Capitol, the room of the Committee on Mines and Mining, in the city of Washington and District of Columbia aforesaid, and to testify what he know in regard to the matter to be inquired of by the said committee, and to bring with him and produce at the time and place aforesaid to certain parts of squares, lots and parcels of ground situate in the city of Washington and District of Columbia, and more particularly described in a writing attached to the said subpona, marked "Exhibit A." and relating to all property purchased or sold by the winter, Hallet Kilbourn, as trustee for THE REAL ESTATE POOL,

witners, Hallet Kilbourn, as trustee for

THE REAL ESTATE POOL,
in which the num of Joy Cooke & Co. and Messrs.
Stewart, Hillyard and Sunderland, or eitner of
them, had an interest, together with all copies,
araits and venebers relating to said documents,
and all other documents, letters and paper writings whateover, including bank books, bills of
eachange, bank checks, stubs of checks, ledgers,
blotters, day tooks and other books of account,
and mays that could or might afford any information or evidence relating to the said anatters to be
it quired of by said committee belonging to the
said Hallet Kilbourn, or subject to his control,
either individually or as a trustee, or as a member
of the firm of Kilbourn & Latta: and the grand
jurors aforesaid, on their oath aforesaid, do further say that the said matter so under inquiry betore the said special committee of the House of
Representatives was a real estate pool heretofore
existing in the Bistrict of Columbia, in
which the late firm and conarthership of
Jay Cooke & Co., consisting of Jay Cooke,
Henry D. Cooke, Pitt Cooke, Harris C. Fahnesteck, Jay Cooke, jr., William G. Moorebead,
George C. Thomas and James A., Garland, who
were debtors to the United States, and the transsections of the said compaffy and of the interests
of the said Jay Cooke & Co. therein, and of the
niterests of other persons therein, and of the nature of a settlement there recently made by
Edwin M. Lewis, trustee of the estate of the estat
firm of Jay Cooke & Co., and to inquire into the
matter and history of the said real estate pool,
and of the character of the said settlement, and
the amount of property involved in which the
said firm of Jay Cooke & Co., were interested,
and the amount of property involved in which the
said firm of Jay Cooke & Co. were interested,
and the amount of property involved in which the said firm of Jay Cooke & Co. were interested, and the amount paid or to be paid in said settlement, and that the said exhibit "A" to the said subjects at tracked and therein referred to was in words and figures following, to wit: (Here follows the schedule of the real estate transactions of Kilbourn & Latta, John F. Olmstead, Hallet Kilbourn and James M. Latts, which is known as exhibit "A.")

AND THE JURORS AFORESAID, AND THE JUROES APORESAID, upon their oaths aforesaid, do further say that afterwards, and on the 4th day of March, 1876, the said Hailet Kitheurn appeared before the said committee, in obedience to the command of the said summons, and was duly sworn according to law as a winners before the said committee, and was then and there duly required by the said committee to produce the said papers, documents and memoranda referred in the said subjects and an expect to produce said papers, books, records, deeds and documents here pertinent to the said question of inquiry by and before the said committee of the said thouse of Representatives, and were then within his own passension and control against the form of the statute in such case made and provided, and against the peace and Govern against the form of the statute in such case made and provided, and against the peace and Government of the United States.

Second count. And the grand jury aforesaid, on their oath aforesaid, do further present that Hallet Kilbourn, late of the county and District aforesaid, on the 4th day of March, in the year of cur Lend 1876, at the county and District aforesaid, was duly and lawfully summoned as a witness by the House of Representatives of the United States, the said House being in session, to give tertimony and to produce certain papers and books before a committee of

THE SAID HOUSE OF REPRESENTATIVES,

to wit: A special committee of the said House, of

books before a committee of
THE SAID HOLSE OF REFRESENTATIVES,
to wit: A special committee of the said House, of
which the Hon. John M. Glover was chairman,
at their rooms in the Capitol, to wit: the room of
the Committee on Mines and Mining, in the city
of Washington and county and District aforeaid,
and to testify what he knew in regard to the matter to be inquired of by the said committee.

And the grand jury aforesaid, on their oath
aforesaid, do further say thanks said matter so
under inquiry before the said special committee
of the House of Representatives aforesaid was
a certain real estate pool heretolore existing in
the said District of Columbia, in which the late
firm and copartnership of Jay Ocoke & Oo., consisting of Jay Cooke, Henry D. Cooke, Pitt
Cooke, Harris C. Fahnestock, Jay Cooke & Oo.,
william G. Moorehead, George C. Thomas and
James A. Garland, who are debtors to the United
States, and the transactions of the said company
and of the interests of the said Jay Cooke & Oo.
thereir, and of the interests of the past of the estate
of the said firm of Jay Cooke & Oo. and to in
quire into the nature and history of the said
real estate pool, and of the character of the estate
of the said firm of Jay Cooke & Oo. and to in
quire into the nature and history of the said
real estate pool, and of the character of the settle ment and amount of property involved in
which (the said firm of Jay Cooke & Oo. were interested, and ihe amount paid, or to be paid, in
said settlement.

And the grand jurors aforesaid, on their oath
aforesaid, to wit, on the 11th day of March. A. D.
1576, appeared in obedience to the said subpens
before the said committee of the said

DULY EWORN ACCORDING TO LAW

DULY EWOEN ACCORDING TO LAW
as a witness before said committee.

And the grand jurors aforesaid, upon their oath
aforesaid, do further say that the said Hallet
Kilbourn, after the service of the said Hallet
Kilbourn as aforesaid and after the said summons
and subjects upon him, the said Hallet Kilbourn as aforesaid, and after the appearance of
the said Hallet Kilbourn before the said committee of the said House as aforesaid, with force and
arms at the county and District aforesaid, on the
said lith day of March, A. D. 1876, did unlaw
fully, knowingly and wilfully refuse to answer
two certain questions pertinent and material to the
said question and matter under inquiry before
and by the said committee of the said flouse, to
wit: He did unlawfully, knowingly and willfully
refuse to answer the following questions: "Will
you state where each of these fire members reside?" and "will you please state their names?"
which said questions were pertinent and material
to the said questions were pertinent and material
to the said question of inquiry before said committee of the said House against the form of the
statute in such case made and provided, and
against the peace and Government of the United
States.

Third count. And the grand jurors aforesaid.

against the peace and Government of the United States.

Third count. And the grand jurors aforestaid, on their oath aforestaid, do further present that Hallet Kilbeurn, late of the county and District aforestaid, on the 4th day of March, in the year of our Lord, 1876, at the county and District aforestaid, was duly and lawfully summoned as a witness by the authority of the House of Representatives of the Congress of the United States, the said House

THEN BEING IN SESSION, TO GIVE TESTIMONY THEN BRING IN SERSION, TO GIVE TESTIMONY and to produce certain papers and books before committee of the said House of Representatives to wit, a special committee of the said House of Representatives, of which the Hon. John M Glover was chairman, at their room in the Capitol, to wit, the room of the Committee on Mine and Mining, in the city of Washington and county and District aloresaid, and to testify whe knew in regard to the matter to be inquired o by the said committee.

And the grand juvors aforesaid, on their oat! he knew in regard to the matter to be inquired of by the said committee.

And the grand jurors aforesaid, on their oath alcresaid, do further say that the said matter of inquiry hefore the said special committee of the House of Hepresentatives aforesaid was a certain real estate pool heretolore cuisting in the said District of Columbia, in which the late firm and copartnership of Jay Cooke & Co. were debtors to the United States, and to inquire into the nature and history of said pool, the character of said settlement, and the amount of property involved in which the said firm of Jay Cooke & Co. were interested, and the amount paid or to be paid in said settlement.

paid in said settlement. And the grand Jarors further say that the said

Hallet Kilbourn, after the rervice of the summons and subjumma upon him, appeared in obedience and was only sworn, and

DID REFUSE TO ARSWER TWO CERTAIN QUESTIONS pertinent and material to the matter under inquiry. After the refusal of the said Hallat Kill-courn to answer the guestions aforesaid, on the said House of Hopes-matrives in response to an error of the said House of Hopes-matrives in response to an error of the said House and his deputy, commanding bom to take him into custody forthwith, wherever should be found the body of the said Hallet Killbourn, and bring him to the bar of the House of Representatives, to show cause why he should not be punished for contempt, sod in the meantime to keep the said Hallet Killbourn in his custedy to await the further order of the House of Representatives. The indictment then goes on to present that Hallet Killbourn did refuse to answer said questions in the presence of the House of Representatives on the demand of the Speaker of the House.

The fourth count embraces a schedule of the property of the firm and the books and papers demanded by the committee, which Mr. Killbourn relused to furnish in compliance with the subjects.

The fifth count embraces the ordering of Hallate. DID REPUSE TO ANSWER TWO CRETAIN QUESTIONS

The mither count embraces the ordering of Hallet Kilbourn into custody, to be so held to await the further orders of the House of Representatives.

The witnesses on the back of the indistment are J. D. New, A. Herr Smith, J. M. Glover, J. H. Thompson and Geo. M. Adams.

H. Thompson and Geo. M. Adams.

In conformity with this indictment, Judge Olin yesteresy issued a bench warrant for Mr. Hallet Kilbeurn to be brought before him to answer. The warrant was placed in the marshal's hands, and will be served on the Sergeant of Arms of the House of Representatives to day, who has control of the princer. What the result will be remains to be developed.

The following is the law governing the case, and is taken from the Revised Statutes, chap-The following is the law governing the case, and is taken from the Revised Statutes, chapter 7:

Sec. 162: Every person who, having been rummored as a witness by the authority of either Heuse of Congress to give testimony, or to produce papers upon any matter under inquiry before either House, or any committee of either House of Congress, willfully make default, or who having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than \$1,900, nor less than 100, and imprisonment in a common jail for not less than one month, nor more than twelve months.

Sec. 104. Whenever a witness, summoned as mentioned in section 102, fails to testify, and the lasts are reported to attner House, the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact under the seal of the Senate or House to the District Attorney or the District of Columbia, whose duty it shall be to bring the matter before the grand jury for be to bring the matter before the grand jury for

Beil Estate for Trade. The largest list of property ever advertised by us for trade now appears in our columns. Mr. R. M. Hall, 515 Seventh street, advertises houses to trade for farms, farms and Western lands for houses, vacant lots for improved property, and improved property for lots. In many cases he offers to assume mortgages, and give unincumbered ground. In other cases he offers to give bered ground. In other cases he offers to give partitade and part money. He also offers real estate for goods of any-description. He even offers to trade a fine steamer on the river for real estate. Everything and all thinss can be traded or exchanged. Western and Southern lands will be traded off and mortgages assumed. His new and novel features in real estate are just what our city has long needed, and we commend the public assumes to swap property, or to sell it, to his-fiber, which is now the handsomest in Washington. ingun.

Inspector Plowman has issued the following buildirg permits recently: Felix Desfosse, a two-story brick dwelling and store, south side of H. between Taentieth and Twenty-first streets between Trentieth and Twenty-first streets northwest; 63.800. Bright & Hamphrey, three two story and basement brick dwellings, south side Rhode Island arenue, between Eighth and Ninth streets northwest; 60.00. Dr. Redburn, a three-story brick dwelling, north side F, between Twenty-first and Twenty second streets northwest; 66,600. Dr. George Mauleby, a three-story and basement dwelling, west side Seventeenth, between I and K streets northwest; 60,600. Catarib, Desfness and Affection of the Ears Cured.

Dr. Hartley submits the following testimonial without comment:
WASHINGTON, D. C., Feb. 25, 1876. Washington, D. C., Feb. 25, 1876.

My attention having been attracted to a testimonial from Rev Mr. Beenr, the distinguished paster of the English Lutheran church, Eleventh and H streets, this city, certifying to the remarkable cure of an affection of the ear by Dr. Hartley, I concluded to try the Doctor's skill in a case of catarrh of very aggrevated form, from which I had suffered for many years pass, which had seriously impaired my hearing and developed every system of consumption. I am happy to state that Dr. Hartley has effected a complete and radical cure, removing every westige of catarrh, desfices and affection of the lungs, and I am now as healthy and can hear as perfectly as at any former period of my life. Dr. Hartley's remarkable success in my care justifies this testimonial, and be has my best thanks, with a more substantial evidence of my appreciation.

Sop Ninth street northwest.

Dr. Hartley's office is 306 E street northwest.

Dr. C. W. Benson, a practicing physician at 166 North Eutaw street, Baltimore, Md., (who has paid much attention to nervous diseases,) has discovered that extract of celery and chamomile discovered that extract of celery and chamomile combines, in a certain proportion, invariably cures headache, either billous, dyspeptic, nervous or sick headache, neuralgia and nervousness. This is a triumph in medical chemistry, and sufferers all over the country are ordering by mail. He prepares it in pills, at to cents per box. The locsor is largely known and highly respected in Haltimore. These pills are sent, postage free, to any address, and sold by all wholesale and retail druggists in Washington, Georgetown and Alexandria.

The Alphabetical Business Directory n this mornings' REPUBLICAN contains cards of first-class establishments in all branches of bustness in the District. Many persons dally feel the need of just such an arrangement to enable them to easily find what they want. We have atmed to make this as complete and easy of reference as possible, and are sure that it will be frequently consulted by all having any kind of business to transact. We intend to keep it up in a reliable and convenient form, and improve it from time to time. Any persons not represented in it, that would like to be, should send in their cards at once, so, as to get an even start with their neighbors in os desirable an advertising medium, and one of such universal and constant reference as our large circulation among the best

Porous Plasters. Porous plasters have been much improved re cently in BENSON'S CAPCINE PLASTER, by I new method of treating the rubber so that it contains more electricity than formerly, one of the qualities for which a porous plaster has been especially valued, and by the addition of Cap-cine, which causes the plaster to act immediately and makes it the most reliable remedy known for colds, rheumatism, lameness of the back and murcles, kidney complaint, or any of the diseases for which a porous plaster or lini-

known for colds. Theumatism. lameness of the back and murcles, kidney complaint, or any of the diseases for which a porous plaster or liniment has been used. The manufacturers are pleased to learn that there is a large class of conscientious druggists who, having become convinced of the great merit of Bennon's Capture Plaster, recommend it in preference to all others. Of such are E. Drehn, Newark, N. J.; Chas. Althanard M. M. Cook, Brocklyn, N. Y.; Thempson, Litip & Co., Baltimore, Md.; Robert Powers, Richmond, Va. Vincent, of Broadway. Brocklyn, says "he recommends no other;" Guick & Berry, Terre Haute, Ind., say "they are convinced from results from sales there that they are much superior to ordinary perous plasters;" Cole & Flynn, Danville, Va., say "they have given satisfaction in every case." W. T. Weber, Springfield, Mass., says, "They constitute an advertising medium in themselves." Thus speak many others. The manulacturers also regret to hear that in some instances druggists, acting from pecuniary motives, as not so large a profit is made on them as on ordinary porous plasters, have used their influence to persuade their customers to substitute some other article in place of BENSON'S CAPCINE PLASTER. When you ask for BENSON'S CAPCINE PLASTER. For sale by Drew & Gibbs, D. P. Hickling, R. B. Ferguson, L. C. Bishop and O. Stott & Co.

AMUSEMENTS.

National Theatre-Judge Slote and the Mighty Dollar. Although entering last evening upon the sec

ond week of its representation, there was no abatement of public interest in the "Mighty bolian" and the representative character of Judge Slote. It is elements of popularity are of the enduring sort, and a clever artist, like Mr. Florence, can always adapt the dialegue to the times. Without detriment, however, the abbreviated wittlefams can be pruned, or something invented to take their place that is really witty. Mrs. Florence very handsomely sustains her part in the play and contributes her share of inn. Miss Osborn, Miss Paul and Mr. Lanngan, Mr. Rutledge and Mr. Lae perform the tasks assigned them with much credit.

Ford's Opera House-Davy Crockett. The romantic play of "Davy Grockett" drew a good house to Ford's. Mr. Mayo has so long acted and almost lived the part that he has beacted and almist lived the part that he has become quite inseparable from it, but one reess from year to year a refining power in his delineation which makes it all the more interesting. In the noble character of the backwoods he represents there is a silver vein of genuine manhood which is very attractive. The line scenes of the wolves at the door, Lochinvar's ride, and the marriage, with their incidents, kept the play fresh and exciting till the last. Miss Josophine Laurens, as Elesnor Vaughs, created a very favorable impression, and little Bob Crockett found in Master Ryckingham his best representation.

Italian Opera- litiens-Titleh: ; makes her first appearance in Washington is viers in the role of Norma. A revival will be with essed of the great historic traditions of Malibrah, Pasta, Grisi by their legitimate successor. There is a splendor and power in her impersonation if the role of the "Druid Priestess" that is matchiar. The sale of seats commences to-morrow morning at Metzerott's.

The stre Comique.

Miss Nully Piere had a fine reception at the Comique last night. Her voice is in excellent condition, and her shaden was thoroughly appreciated. Little Lottie and the sketch artists, G. B. Harcourt and Kate "PConner, were also well received. The female ninstel scene and the burlesque of "Blue Bear," were the features of the sysully. Crypti Palmani.

"The Centennials, their Sympes and Shadows," is the subject of Crypti Palmoni's lecture at Tall-madge hall next Thursday evening. John B. Gongh. Tuesday evening, April 4, John B. Gough de-livers his lecture entitled "Peculiar People" at Lincoln hall.

THE SUPREME COURT.

Consisted from First Pasc.)

**Consisted f

right were committed by the people to the pretection of Congress as came within the general
accepe of the authority granted to the National
The first amendment to the Constitution prohibits Congress rom abridging "the right of the
people to assemble and to petition the Governhibits Congress rom abridging "the right of the
people to assemble and to petition the Governscan time, was not intended to limit the powers
of the State government in respect to their own
a sent alone, (Burron vs. The Chief own
a sent alone,

objectionable. They charge the intent to have been to deprive the citizens named, they being in Louislana, "of their respective lives and ilberty of person without due process of law." This is nothing else than alieging a coaspiracy to falsely imprison or murder citizens of the United States, being within the territorial jurisdiction of the State of Louisians. The rights of life and personal liberty are natural rights of msn. "To secure there rights," says the Declaration of Independence, "governments are instituted among men, deriving their just powers from the consent of the governed." The very highest duty of the States, when they entered into the Union under the Constitution, was to protect all persons within their boundaries in the They charge the int into the Union under the Constitution, was to protect all persons within their boundaries in the enjoyment of these "unallenable rights with which they were endowed by their Orestor." Sovereignty, for this purpose, rests alone with the States. It is no more the duty or within the power of the Justed States to punish for a conspiracy to fairely imprison or murder within a State than it would be punish for faise imprisonment or morder itself.

power of the Justed States to punish for a conspiracy to fairely imprison or murder within a State than it would be punish for false imprisonment or murder titself.

The fourteenth amendment prohibits a State for m depriving any person of life, liberty or property without due process of law, but this adds nothing to the rights of one citizen as against another. It simply furnishes an additional guaranty arainst any encroachment by the States upon the fundamental firsh which belong to every citizen as a member of society. As was said by Mr. Justice Johnson, in Bank of Odumbia vs. Gkeiy, 4 Wheat, 244, it secures "the individual from the arbitrary exercise of the powers of government, unrestrained by the established principles of private rights and distributive justice." These counts in the indictment do not call for the exercise of any of the powers conferred by this provision in the amendment.

The fourth and twelfth counts charge the intent to have been to prevent and hinder the citizens named, who were of African descent and persons of color, in "the free exercise and enjoyment of their several right and privilege to the full and equal benefit of all laws and proceedings, then and there, before that time enacted or ordained by the said State of Louisiana and by the United State; and then and there, at that time, being inferce in the said State and district of Louisiana by white persons, being citizens of said State of Louisiana and property of said State and district of Louisiana by white persons, being citizens of said State of Louisiana and property of said State and citizens of said State of Louisiana and property of said State of Louisiana by white persons being citizens of said State of Louisiana and property of said State of Loui

and of the United States.

The fourteenth amendment prohibits a State from denying to any person within its jurisdiction the equal protection of the laws; but this provision does not, any more than the one which precedes it, and which we have just considered, add anything to the rights which one citizen has under the Constitution against another. The equality of the rights of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the States, and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the National Government is limited to the onforcement of this guarantee.

No question arises under the civil rights act of April 9, 1866, (14 Stat., 27.) which is intended for the protection of citizens of the United States in the enjoyment of certain rights, without discrimination on account of race, color or previous condition of servitude, because, as has already bean stated, it is nowhere alleged in these counts that the wrong contemplated against the rights of these citizens was on account of their race or color.

Another objection is made to these counts that

Another objection is made to these counts that they are too vague and uncertain. This will be considered beneafter in connection with the same objection to other counts.

The sixth and fourteenth counts white the intent of the defendants to have been to hinder and prevent the citizens named, being of African descent and colored, "in the free exercise and enjoyment of their several and respective right and privilege te vote as any election to be thereafter by law had and held by the people in and of the said State of Louisians, or by the people of and in the parish of Grant aforesaid." In Minor vs. Happersett, 21 Wall., 17s, we decided that the Constitution of the United States has not conferred the right of suffrage upon any one, and that the United States have no voters of their own creation in the States. In United States vs. Reese, just decided, we hold that the infecenth amendment has invested the citizens of the United States with a new constitutional right, which is, exemption from discrimination in the exercise of the elective franchise on account of race, color or previous condition of servitude. Another objection is made to these counts that exemption from discrimination in the exercise of the elective franchise on account of race, color or previous condition of servitude. From this it appears that the right of sulfrage is not a necessary attribute of national citizenship, but that exemption from discrimination in the exercise of that right on account of race, &c., is. The right to vote in the States comes from the States, but the right of exemption from the prohibited discrimination comes from the United States. The first has not been granted or secured by the Constitution of the United States, but the last has been.

Inasmuch, therefore, as it does not appear in these counts that the intent of the defendants was to prevent these parties from exercising their right to vote on account of their race, &c., it does not appear that it was their intent to interiers with any right granted or secured by the Constitution or laws of the United States. We may suspect that race was the cause of the hostility, but it is not so averred. This is material to a description of the substance of the offense, and cannot be supplied by implication. Everything essential must be charged positively, and not inferentially. The defect here is not inform, but in substance.

The seventh and iffecenth counts are no better than the sixth and fourteenth. The intent here charged is to put the parties named in great fear of bodily harm and to injure and oppress them,

ment. So here the crime is made to consist in the unlawful combination with an intent to prevent the enjoy ment of any right granted or secured by the Constitution, Ac. All rights are not so granted or secured.

Whether one is so or not is a question of law to be decided by the court, not the prosecutor. Therefore the indictment should state the particulars, to inform the court as well as the accused. It must be made to appear, that is to say, appear from the indictment without going further, that the acts charged will, if proven, support a conviction for the offense alleged.

But it is needless to pursue the argument further. The conclusion is irresistible that these counts are too vague and general. They lack the certainty and precision required by the established rules of criminal pleading. It follows that they are not good and sufficient in law. They are so defective that no judgment of conviction should be prosounced upon them.

The order of the Circuit Court arresting the judgment upon the verdict is, therefore, affirmed, and the cause remanded with instructions to discharge the defendants.

Me Instruction the opinion the applicant of the prosounced from the opinion the opinion that the prosounced of the prosou charge the defendants.

Mr. Justice Clifford dissented from the opinion, but concurred in the judgment.

Dartmouth College Alumni-This association indulged in its first annual dinner last night at (fray's. Previous to sitting dinner last night at Gray's. Previous to sitting down to the good things provided, Gen. John Enten was elected president, Rev. Royal Parkinson and Dr. N. S. Lincole, vice presidents; S. R. Hond, secretary, and Gen. R. D. Mussey, historian. Among those present, besides the above, were Judge Harvey Jawell, of the Court of Alabama Claims, and Dr. Welling, of Columbia College, both of whom responded to casts in happy speeches. The dinnerwas greatly enjoyed by some forty persons, chiefly members of the association.

CITY ITEMS.

SPECIAL NOTICE.

My friends and the public are earnestly invited to my Spring opening, on Tuesday, March 28, and during the week. I have just returned from New York with an unusually fine stock of New Goods, including Ladles' and Gentlemen's Furnishings, Fancy Goods, imported Hosiery, and a good supply of Misses' French Fancy Colored Hose, all at lowest New York prices.

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Ghopin: (b) Enswern'e's. Schmaun: (c) TakeYenri Samel G. Young. 3. Resitations: "Rory
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TUESDAY EVENING, April 4. at 8 o'clock. Subject: " Peculiar People " Tickets, 75 cents; no ext a the ge for received sees. Diagram at Z. M. White k.r's, (nocessar to Warren Choste & Co.,) 94 Jennayivania avenue.

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POSITIVELY FOUR NIGHTS ONLY,

Commencing MONDAY. . rits, 1856,

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W. DNESDAY, April 5. IL THOVATORE,
THURSDAY, April 6. DON GIOVANNI, General Admission, \$1.50. it erred Seats in Dress Circle, \$2 Reserved Se to in Orchestra and Orchestra Circle, \$2.50.

The sale of Reserved Seats will commence on WEDNESDAY MORNING, Waren 20, at Metacrott & Co. 8 Music Store, No 2.5 Pennsylvania avenue.

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Other characters by the regular Dramatic Com-Monday, April 2, TITLE 88. mirat- sr

Monday. April?, TITLESS.

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Lectures by Rev. C. A. STORK, D. D. March 27, 1876, "Chester to Cairo."

April 2, 1876. "Fiel y to York-hire." Both to be given at Memorial hurch, Carner of N and Four eeath streets. April 4, 1878. Grand Concert. ,
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